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10/016,551	12/11/2001	Alexander Kvache	01-8007	8115

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EXAMINER

ELAHEE, MD S

ART UNIT

PAPER NUMBER

2697

DATE MAILED: 04/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/016,551

Applicant(s)

KVACHE ET AL.

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Examiner

Md S Elahee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 02.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-11, 16-29 and 34-49 are rejected under 35 U.S.C. 102(e) as being anticipated by Rodriguez et al. (U.S. Pub. No. 2002/0067806).

Regarding claim 1, Rodriguez teaches receiving a message intended for the subscriber (abstract; page no.1, paragraphs 0012-0013, page no.2, paragraph 0028; 'subscriber' reads on the claim 'receiving party').

Rodriguez further teaches determining a priority for the message for the subscriber (abstract; page no.1, paragraphs 0012-0013, page no.2, paragraph 0028; 'a priority for the message for the subscriber' reads on the claim 'whether the message should be delivered to the receiving party').

Rodriguez further teaches converting the digital text message to an audible message when the message should be delivered to the recipient (page no.2, paragraph 0028; 'digital text message' reads on the claim 'message' and 'recipient' reads on the claim 'receiving party').

Rodriguez further teaches dialing the subscriber's phone (abstract; page no.1, paragraphs 0012-0013, page no.2, paragraph 0028; 'dialing the subscriber's phone' reads on the claim 'initiating a telephony call to the receiving party').

Rodriguez further teaches delivering the audible message to the subscriber during the telephony call (abstract; page no.1, paragraphs 0012-0013, page no.2, paragraph 0028; 'subscriber' reads on the claim 'receiving party').

Regarding claim 2, Rodriguez teaches obtaining user profile data in the event of urgent messages forwarded to the user (page no.4, paragraphs 0037-0038; 'in the event of urgent messages forwarded to the user' reads on the claim 'identifies at least one criterion for when messages should be delivered to the receiving party').

Regarding claims 3, 23 and 45, Rodriguez teaches the user profile data including message header, message priority, message contents etc. (abstract; page no.4, paragraphs 0036-0041; 'message header, message priority, message contents etc.' reads on the claim 'data identifying at least one of a message source, a message type, a message priority, and a message content').

Regarding claims 4 and 24, Rodriguez teaches processing the message against the user profile data (page no.4, paragraphs 0037-0041; 'processing the message' reads on the claim 'testing the message').

Rodriguez further teaches determining that the message should be forwarded when the decision is made regarding forwarding address (page no.4, paragraphs 0037-0041; 'forwarded' reads on the claim 'delivered' and 'the decision is made regarding forwarding address' reads on the claim 'the message passes the test').

Regarding claims 5 and 25, Rodriguez teaches displaying the digital message intended for the subscriber (abstract; page no.1, paragraphs 0012-0013, page no.2, paragraph 0028; 'displaying the digital message' reads on the claim 'monitoring a message server for arrival of new messages' and 'subscriber' reads on the claim 'receiving party').

Regarding claims 6, 26 and 46, Rodriguez teaches checking the voice mail storage for more urgent messages (fig.3; page no.3, paragraphs 0033-0034, page no.4, paragraphs 0035-0036; 'checking the voice mail storage' reads on the claim 'periodically checking the message server' and 'more urgent messages' reads on the claim 'new messages').

Regarding claims 7, 27 and 47, Rodriguez teaches receiving a notification from the telephone answering system whenever one or more urgent messages are waiting (fig.1b; page no.3, paragraphs 0027; 'telephone answering system' reads on the claim 'message server' and 'one or more urgent messages are waiting' reads on the claim 'a new message arrives').

Regarding claim 8, Rodriguez teaches inherently translating the message from a caller's analog voice to digital form (page no.2, paragraphs 0024-0025; 'a caller's analog voice to digital form' reads on the claim 'source format to message text').

Regarding claim 9, Rodriguez teaches translating the digital text message to an audible message (page no.2, paragraph 0028; 'digital text message' reads on the claim 'message text').

Regarding claims 10 and 28, Rodriguez teaches inherently creating an envelope from message's header and contents (page no.4, paragraphs 0036-0039; 'message's header and contents' reads on the claim 'at least one of a From, To, Subject, and Date header fields corresponding to the message').

Regarding claims 11 and 29, Rodriguez teaches translating the digital text message to an audible message (page no.2, paragraph 0028, page no.4, paragraphs 0036; 'digital text message' reads on the claim 'the message text and the envelope').

Regarding claim 16, Rodriguez teaches determining whether the recipient is available (page no.2-3, paragraphs 0028-0029; 'the recipient is available' reads on the claim 'telephony call reaches the receiving party').

Rodriguez further teaches attempting to contact the recipient again if the recipient is unavailable for a period of time to elapse (page no.2-3, paragraph 0029; 'attempting to contact the recipient again' reads on the claim 'retrying the telephony call a predetermined number of times' and 'the recipient is unavailable for a period of time to elapse' reads on the claim 'the telephony call fails to reach the receiving party').

Regarding claims 17 and 35, Rodriguez teaches determining whether the recipient is available (page no.2-3, paragraphs 0028-0029; 'the recipient is available' reads on the claim 'telephony call reaches the receiving party').

Rodriguez further teaches attempting to contact the recipient again if the recipient is unavailable for a period of time to elapse (abstract; page no.2-3, paragraph 0029; 'attempting to contact the recipient again' reads on the claim 'initiating a second telephony call to an alternate telephone number' and 'the recipient is unavailable for a period of time to elapse' reads on the claim 'the telephony call fails to reach the receiving party').

Regarding claims 18 and 36, Rodriguez teaches authenticating the user based on a personal identification number, or other security code (page no.3, paragraph 0033; 'user' reads on the claim 'receiving party' and 'a personal identification number, or other security code'

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reads on the claim 'at least one of a user identifier, a personal identification number, and a password').

Rodriguez further teaches playing the urgent messages to the user after entering the correct code (page no.3, paragraph 0033; 'playing the urgent messages to the user' reads on the claim 'transmitting the audible message to the receiving party' and 'entering the correct code' reads on the claim 'successful authentication of the receiving party').

Regarding claim 19, Rodriguez teaches obtaining user profile data corresponding to the user (page no.4, paragraphs 0037-0038; 'user' reads on the claim 'receiving party').

Rodriguez further teaches obtaining urgent messages forwarded to the user (page no.4, paragraphs 0037-0038; 'urgent messages forwarded to the user' reads on the claim 'message intended for the receiving party').

Rodriguez further teaches processing the message against the user profile data (page no.4, paragraphs 0037-0041; 'processing the message' reads on the claim 'testing the message').

Rodriguez further teaches inherently converting the messages to an audible message when the decision is made regarding forwarding address (page no.4, paragraphs 0036-0041; 'the decision is made regarding forwarding address' reads on the claim 'the message passes the test').

Rodriguez further teaches dialing the subscriber's phone (abstract; page no.1, paragraphs 0012-0013, page no.2, paragraph 0028; 'dialing the subscriber's phone' reads on the claim 'initiating a telephony call to the receiving party').

Rodriguez further teaches delivering the audible message to the subscriber during the telephony call (abstract; page no.1, paragraphs 0012-0013, page no.2, paragraph 0028;

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‘delivering’ reads on the claim ‘presenting’ and ‘subscriber’ reads on the claim ‘receiving party’).

Regarding claim 20, Rodriguez teaches receiving a message intended for the subscriber (abstract; page no.1, paragraphs 0012-0013, page no.2, paragraph 0028; ‘receiving’ reads on the claim ‘obtaining’ and ‘subscriber’ reads on the claim ‘receiving party’).

Rodriguez further teaches determining a priority for the message for the subscriber (abstract; page no.1, paragraphs 0012-0013, page no.2, paragraph 0028; ‘a priority for the message for the subscriber’ reads on the claim ‘whether the message should be delivered to the receiving party’).

Rodriguez further teaches converting the caller’s vocal message into a digital form when the message should be delivered to the recipient (page no.2, paragraphs 0025, 0028; ‘caller’s vocal message’ reads on the claim ‘source format’, ‘digital form’ reads on the claim ‘target format’ and ‘recipient’ reads on the claim ‘receiving party’).

Rodriguez further teaches converting the digital text message to an audible message (page no.2, paragraph 0028; ‘digital text message’ reads on the claim ‘target format’, ‘audible message’ reads on the claim ‘audible format’ and ‘recipient’ reads on the claim ‘receiving party’).

Rodriguez further teaches dialing the subscriber’s phone (abstract; page no.1, paragraphs 0012-0013, page no.2, paragraph 0028; ‘dialing the subscriber’s phone’ reads on the claim ‘initiating a telephony call to the receiving party’).



Rodriguez further teaches delivering the audible message to the subscriber during the telephony call (abstract; page no.1, paragraphs 0012-0013, page no.2, paragraph 0028; 'subscriber' reads on the claim 'receiving party').

Regarding claims 21, Rodriguez teaches that the digital text message is a text format (page no.2, paragraph 0028; 'digital text message' reads on the claim 'target format').

Regarding claim 22, Rodriguez teaches obtaining user profile data in the event of urgent messages forwarded to the user (page no.4, paragraphs 0037-0038; 'in the event of urgent messages forwarded to the user' reads on the claim 'identifies at least one criterion indicating when messages should be delivered to the receiving party').

Regarding claim 34, Rodriguez teaches determining whether the recipient is available (page no.2-3, paragraphs 0028-0029; 'the recipient is available' reads on the claim 'telephony call fails').

Rodriguez further teaches attempting to contact the recipient again if the recipient is unavailable for a period of time to elapse (page no.2-3, paragraph 0029; 'attempting to contact the recipient again' reads on the claim 'retry the telephony call a predetermined number of times' and 'the recipient is unavailable for a period of time to elapse' reads on the claim 'the telephony call fails').

Regarding claim 37, Rodriguez teaches receiving a message intended for the subscriber (abstract; page no.1, paragraphs 0012-0013, page no.2, paragraph 0028, page no.4-5, paragraphs 0043-0046; 'subscriber' reads on the claim 'receiving party').

Rodriguez teaches obtaining user profile data in the event of urgent messages forwarded to the user (page no.4-5, paragraphs 0037-0038, 0043-0046; 'in the event of urgent messages

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forwarded to the user' reads on the claim 'describes at least one criterion indicating when messages should be delivered to the receiving party').

Rodriguez further teaches dialing the subscriber's phone in the event of urgent messages forwarded to the user (abstract; page no.1, paragraphs 0012-0013, page no.2, paragraph 0028, page no.4-5, paragraphs 0037-0038, 0043-0046; 'dialing the subscriber's phone' reads on the claim 'initiating a telephony call to the receiving party' and 'in the event of urgent messages forwarded to the user' reads on the claim 'when the at least one criterion in the user profile indicates that the message should be delivered to the receiving party').

Rodriguez further teaches delivering the audible message to the subscriber during the telephony call (abstract; page no.1, paragraphs 0012-0013, page no.2, paragraph 0028, page no.4-5, paragraphs 0043-0046; 'delivering' reads on the claim 'presenting' and 'subscriber' reads on the claim 'receiving party').

Regarding claim 38, Rodriguez teaches checking the voice mail storage for more urgent messages (fig.3; page no.3, paragraphs 0033-0034, page no.4, paragraphs 0035-0036; 'checking the voice mail storage' reads on the claim 'interacting with a message server' and 'for more urgent messages' reads on the claim 'to obtain the message').

Regarding claim 39, Rodriguez teaches inherently interacting with the user to generate user profile (page no.4, paragraphs 0037-0038; 'the user' reads on the claim 'the receiving party').

Regarding claim 40, Rodriguez teaches converting the message from a caller's analog voice to an audible message (page no.2, paragraph 0028; 'a caller's analog voice' reads on the

claim 'message from a source format' and 'audible message' reads on the claim 'audible format').

Regarding claim 41, Rodriguez teaches inherently translating the message from a caller's analog voice to digital form (page no.2, paragraphs 0024-0025; 'a caller's analog voice to digital form' reads on the claim 'source format to a text format').

Rodriguez further teaches translating the digital text message to the audible message (page no.2, paragraph 0028; 'digital text message' reads on the claim 'message from the text format' and 'audible message' reads on the claim 'audible format').

Regarding claim 42, Rodriguez teaches inherently interacting with the user to generate user profile in the event of urgent messages forwarded to the user (page no.4-5, paragraphs 0037-0038, 0043-0046; 'in the event of urgent messages forwarded to the user' reads on the claim 'identifies at least one message criterion that indicates when messages should be delivered to the user').

Rodriguez further teaches displaying the digital messages intended for the subscriber (abstract; page no.1, paragraphs 0012-0013, page no.2, paragraph 0028; 'displaying the digital messages' reads on the claim 'monitoring a message server for arrival of new messages' and 'subscriber' reads on the claim 'user').

Rodriguez further teaches determining that the messages should be forwarded based on the user profile (page no.4, paragraphs 0037-0041; 'messages' reads on the claim 'new messages' and 'forwarded' reads on the claim 'delivered').

Rodriguez further teaches converting the digital text messages to an audible messages when the messages should be delivered to the recipient (page no.2, paragraph 0028; 'digital text messages' reads on the claim 'new messages' and 'recipient' reads on the claim 'user').

Rodriguez further teaches dialing the subscriber's phone (abstract; page no.1, paragraphs 0012-0013, page no.2, paragraph 0028; 'dialing the subscriber's phone' reads on the claim 'initiating a telephony call to the user').

Rodriguez further teaches delivering the audible messages to the subscriber during the telephony call (abstract; page no.1, paragraphs 0012-0013, page no.2, paragraph 0028; 'delivering' reads on the claim 'presenting' and 'subscriber' reads on the claim 'receiving party').

Regarding claim 43, Rodriguez teaches receiving user personal identification number, or other security code from the user (page no.3, paragraph 0033; 'personal identification number, or other security code' reads on the claim 'user identification and password data').

Rodriguez further teaches validating the user personal identification number, or other security code with the mailbox (page no.3, paragraph 0033; 'personal identification number, or other security code' reads on the claim 'user identification and password data' and 'mailbox' reads on the claim 'message server').

Regarding claim 44, Rodriguez teaches attempting to enter the correct code using the user personal identification number, or other security code (page no.3, paragraph 0033; 'enter the correct code' reads on the claim 'logon to the message server', 'personal identification number, or other security code' reads on the claim 'user identification and password data').

Rodriguez further teaches determining if the correct code is entered (page no.3, paragraph 0033; 'if the correct code is entered' reads on the claim 'whether the logon is successful').

Regarding claim 48, Rodriguez teaches receiving a message intended for the subscriber (abstract; page no.1, paragraphs 0012-0013, page no.2, paragraph 0028; 'subscriber' reads on the claim 'receiving party').

Rodriguez further teaches converting the digital text message to an audible message (page no.2, paragraph 0028; 'digital text message' reads on the claim 'message' and 'recipient' reads on the claim 'receiving party').

Rodriguez further teaches dialing the subscriber's phone (abstract; page no.1, paragraphs 0012-0013, page no.2, paragraph 0028; 'dialing the subscriber's phone' reads on the claim 'initiating a telephony call to a telephony device associated with the receiving party').

Rodriguez further teaches delivering the audible message to the subscriber during the telephony call (abstract; page no.1, paragraphs 0012-0013, page no.2, paragraph 0028; 'subscriber' reads on the claim 'receiving party').

Regarding claim 49, Rodriguez teaches that the subscriber's phone includes mobile telephone or a PDA (abstract; page no.1, paragraphs 0012-0013, page no.2, paragraph 0028; 'the subscriber's phone' reads on the claim 'telephony device' and 'mobile telephone or a PDA' reads on the claim 'one of a wireline and wireless communication device').

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 12, 13, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez et al. (U.S. Pub. No. 2002/0067806) and in view of McAllister et al. (U.S. Patent No. 6,442,242).

Regarding claims 12 and 30, Rodriguez fails to teach "translating one or more message attachments into attachment text". McAllister teaches converting voice message into attachment text (col.6, lines 24-52; 'converting voice message' reads on the claim 'translating one or more message attachments'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rodriguez to allow translating one or more message attachments as taught by McAllister. The motivation for the modification is to have the translation in order to provide a format usable to be transmitted via email.

Regarding claims 13 and 31, Rodriguez teaches translating the digital text message to an audible message (page no.2, paragraph 0028; 'digital text message' reads on the claim 'message text and attachment text').

#### ***Allowable Subject Matter***

5. Claims 14, 15, 32 and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alam Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 9:00am to 5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (703)305-4717. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

M. E.

MD SHAFIUL ALAM ELAHEE

April 3, 2003

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